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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,697	12/16/2003	Sung-Jae Cho	P56999	3543
8439 7590 01/06/2009 ROBERT E. BUSHNELL & LAW FIRM 2029 K STREET NW SUITE 600 WASHINGTON, DC 20006-1004			EXAMINER LAIOS, MARIA J	
			ART UNIT 1795	PAPER NUMBER
			MAIL DATE 01/06/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,697

Applicant(s)

CHO, SUNG-JAE

Examiner

MARIA J. LAIOS

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/8/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 20080711
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the remarks submitted 8 October 2008 in which the claims have not been amended and are finally rejected for reasons of record.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 13-17 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azema et al (JP 2002-334685) in view of Azema (US 5,705,290 here in after Azema '290).

Azema et al. disclose a secondary battery (1 in Figure 1) that includes a positive electrode plate, a negative electrode plate, and a separator interposed between the positive and negative electrode plates (paragraph 24). Azema et al. disclose a metallic electrically conducting can (1a in Figure 1 and paragraph 24). The can includes a side opening (1d in Figure 1). Azema et al. disclose a cap assembly including a cap plate (2) and an electrode port (7 in Figure 3). The cap plate is couple to the side opening of the can (1d) and the electrode port (7) is coupled to the cap plate (2) via a gasket (6 in Figure 3). The electrode port (7) is connected to the positive electrode plate (paragraph 36). Azema et al. disclose that the cap assembly has an aperture (2e) in a side portion

of the cap plate (2) where a lead plate (4) is pressed into the aperture (2e) of the cap plate (2) adapted to a safety device (4a in Figure 3, as applied to claims 1 and 13).

Azema et al. disclose forming an electrode assembly, with a can arranged to accommodate the electrode assembly (paragraph 24). Azema et al. disclose forming a side opening (1d) in the can (1a in Figure 1). A cap assembly including a cap plate (2) and an electrode port (7) is formed. The cap plate (2) is coupled to the side opening (1d) of the can in Figure 1. Azema et al. disclose forming an aperture (2e) in a side portion of the cap plate (2 in Figure 3). The electrode port (7) is coupled to the cap plate (2 in Figure 3). Azema et al. disclose connection the electrode port (97) to the positive electrode plate (paragraph 36). The lead plate (4) is pressed into the aperture (2e) of the cap plate (5) and the lead plate (4) is connected to the safety device (4a in Figure 2, as applied to claim 25).

Azema et al. fails to disclose that the lead plate is pressfit into the aperture and being tightly attached with out welding.

Azema '290 discloses a battery with a safety device and teaches that the external terminal (1) can be placed into a plate (2) with out welding (Figure 2) by stacking (col. 3 lines 34-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to fasten the lead of Azema into the plate by pressing without welding such as is taught by Azema '290 because this would save time in producing the cell since the step of welding is not needed.

Azema et al. disclose that the cap plate (2) is made from aluminum (paragraph 25, as applied to claims 2, 14, and 26).

Azema et al. disclose that the lead plate (4) comprises nickel (paragraph 29, as applied to claims 3, 15, and 27).

Azema et al. disclose that the lead plate (4) and the safety device (4a) are connected via a port member (4b or 4c), the port member (4b or 4c) welded to the lead plate (4 in Figure 3 and paragraph 29, as applied to claims 4, 16, and 28).

Azema et al. discloses that the port member (4b or 4c) comprises nickel (paragraph 29, as applied to claims 5, 17, and 29).

4. Claims 7, 9, 12, 19, 21, 24, 31, 33 and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita (JP 07-169506) in view of Aaltonen et al (US 6,824,917).

Yamashita teaches a battery (1 in Figure 1, which inherently has an electrode assembly including a positive electrode plate, a negative electrode plate, and a separator interposed between the positive and negative electrode plates. Yamashita teaches that the can (2) is metallic and electrically conducting (paragraph 17) and is adapted to accommodate the electrode assembly and an electrolytic solution in Figure 1. The can (2) has a cavity (2a) in the external bottom surface and has a side opening (near the other end of the case (2), which houses the battery (1)). Yamashita teaches a lead plate (4a or 4b) to be pressed into the cavity (2a) of the can (2) and that the lead plate (4a or 4b) is connected to a safety device (3 in Figure 1, as applied to claims 7

and 19) but fails to teach that welding is not required. Aaltonen et al. discloses a battery system and teaches a recessed portion (120) having the substantially a size and shape to nest the body 130 of safety component (26) in the recessed portion and does not teach welding these pieces together (col. 4 lines 36-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the recess portion of Yamashita substantially the size and shape of the lead in order to nest the components together as is taught by Aaltonen thereby preventing the additional step of welding.

Yamashita teaches forming an electrode assembly and forming an electrically conducting can, the can adapted to accommodate the electrode assembly (paragraph 20). Yamashita teaches forming at least on cavity (2a) in the external bottom surface of the can (2). Yamashita teaches forming a cap assembly and coupling the cap assembly to the side opening of the can (paragraph 24). Yamashita teaches pressing a lead plate (4a or 4b) into the cavity (2a) of the can (2) and connecting the lead plate (4a or 4b) to a safety device (3 in Figure 1, as applied to claim 31).

Yamashita teaches that the lead plate (4a or 4b) comprises nickel (paragraph 18, as applied to claims 9, 21, and 33).

Yamashita teaches a cap plate adapted to be couple to the side opening (1) of the can (2) and an electrode port adapted to be coupled to the cap plate via a gasket adapted to insulate the electrode port from the cap plate. Yamashita teaches that the electrode port is connected to the positive electrode plate (paragraphs 17 and 24, as applied to claims 12, 24, and 36).

5. Claims 6, 18 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azema et al. (JP Publication Number 2002-334685) and Azema (US 5,705,290 herein after Azema '290) as applied to claims 1, 14, and 25 above, and further in view of Cho (U.S. Publication Number 2003/0077484 A1)

Azema et al. modified by Azema '290 do not teach that the battery comprises a protecting case arranged between the electrode assembly and the cap assembly.

Cho teaches a protecting case (34 in Figure 3, as applied to claims 6 and 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the protecting case of Cho in the cap assembly of Azema et al. modified by Azema '290. The protecting case is used to insulate the cap assembly from the electrode assembly and prevent a constant conduction between the two. By including a protection plate in the cap assembly of Azema et al. modified by Azema '290 will ensure that the lead plate is the only point that will conduct the charge of the battery. This also ensures that if there is a problem with the lead, the attached safety device will be able to prevent conduction. Without this protecting plate, the battery would continue to conduct a charge even when it shouldn't.

6. Claims 8, 10, 11, 20, 22, 23, 32, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita (JP Publication Number 07-169506) and Aaltonen et al (US 6,824,917) as applied to claims 7, 19, and 31 above, and further in view of Azema et al. (JP Publication Number 2002-334685).

The disclosures of Yamashita and Aaltonen et al. with regard to claims 7, 19, and 31 have been discussed above and are incorporated herein.

Yamashita modified by Aaltonen et al does not teach that the can is made of aluminum or an aluminum alloy. Yamashita does not teach that the lead plate and safety device are connected via a port member that is resistance welded to the lead plate or that the port member comprises nickel.

Azema et al. teach that the cap plate (2) is made from aluminum (paragraph 24, as applied to claims 8, 20, and 32).

Azema et al. disclose that the lead plate (4) and the safety device (4a) are connected via a port member (4b or 4c), the port member (4b or 4c) welded to the lead plate (4 in Figure 3 and paragraph 29, as applied to claims 10, 22, and 34).

Azema et al. discloses that the port member (4b or 4c) comprises nickel (paragraph 29, as applied to claims 11, 23, and 35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to make the can of Yamashita out of aluminum like the can of Azema et al. The material of the can is a matter of design choice and changing out materials. Both cans are made out of a metallic electrically conductive material. Therefore switching out the steel of Yamashita for the aluminum of Azema et al. is only a matter of material choice and would be obvious to one of ordinary skill in the art.

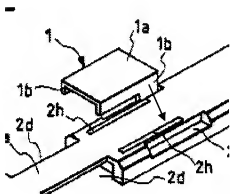
It would have been obvious to one of ordinary skill in the art at the time of the invention to swap out the lead plate/safety device part of Yamashita for the lead plate connected to the safety device via a port of Azema et al. Both are made up of lead

plates comprising nickel and a safety device between two end lead plates. The overall product is similar and would serve the same purpose. The only difference is the way that the safety device is connected to the lead plates, in Azema et al. it is via a port member while in Yamashita they appear to be welded together. Therefore because both of the lead plate/safety device parts are made out of the same material and serve the same function, it would be obvious to one of ordinary skill in the art to swap out one for the other.

Response to Arguments

7. Applicant's arguments filed 8 October 2008 have been fully considered but they are not persuasive.

Applicant argues that Azema '290 merely states that "The external positive electrode 1 is inserted into the case 2 and fastened by staking." (Emphasis added). Furthermore, applicant draws attention to lines 43-45 of column 3 of Azema '290 which indicates that recess sections 2g into which engaging pawls of the latter described holding plate 9 will be bent for fastening. And therefore, Azema '290 does not teach or suggest pressfitting a lead plate to tightly attach the lead plate without welding as recited in the independent claims.



The positive electrode is inserted to the case by staking which is described in col. 3 lines 35 -45 as the leg portion (1b) of external positive electrode are inserted into the slit like insertion sections (2h). Therefore the electrode is pressed into hole (2h) and is not welded. The interaction of the plate (9) and the recesses portion (2g) have no involvement with the method of attaching the electrode plate to the cap.

Applicant argues that Aaltonen teaches welding the cap or collar to the can and therefor does not teach pressfitting a lead plate.

The Examiner is not using the Aaltonen reference to teach the attachment of the insulation plate (14) to the can but is using the concept that a recess portion (12) has the substantial size and shape to nest the body 130 of safety component (26) in the recessed portion. The nesting of the components allows for the pieces to be attached to each other without welding.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA J. LAIOS whose telephone number is (571)272-9808. The examiner can normally be reached on Monday - Thursday 10 am -7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dah-Wei Yuan can be reached on 571-272-1295. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J. L./
Examiner, Art Unit 1795

/Dah-Wei D. Yuan/
Supervisory Patent Examiner, Art Unit 1795